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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,136	11/14/2001	Sonna Calandrino	2022,002	4652
23,405	7590	01/07/2004	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI PC				
5 COLUMBIA CIRCLE				
ALBANY, NY 12203				
ART UNIT			PAPER NUMBER	

1771

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,136

Applicant(s)

CALANDRINO

Examiner

Cheryl Juska

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 26-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 57-69 is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-23, 26-29, 33-42 and 45-53 is/are rejected.
- 7) ☒ Claim(s) 19, 30-32, 43, 44 and 54-56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed September 26, 2003, has been entered. Claims 18, 19, 26, 30, 37, and 45 have been amended as requested. Claims 24 and 25 have been cancelled and new claims 57-69 have been added. Thus, the pending claims are 1-23 and 26-69.
2. Said amendment is sufficient to overcome the 112, 2<sup>nd</sup> rejections set forth in sections 1-4 of the last Office Action. Additionally, said amendment is sufficient to withdraw the 102 rejections set forth in sections 7 and 8 of the last Office Action. Furthermore, applicant's arguments with respect to claims 20-23, 52, 30, and 43 have been found persuasive since the Koiduka reference does not suggest the use of a textile face name plate which can be attached by means of welding. Hence, the rejection of said claims 20-23, 52, 30, and 43 over the Koiduka reference is hereby withdrawn.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 20-23 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Independent claim 20 lacks antecedent basis for the phrase "the image mounted in the second region." Claims 21-23 and 52 are rejected for their dependency upon claim 20.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-18, 26-29, 33-42, 45-51, and 53 stand rejected under 35 USC 103(a) as being unpatentable over US 5,461,748 issued to Koiduka, as set forth in section 10 of the last Office Action.

***Response to Arguments***

8. Applicant's arguments filed with the amendment of September 26, 2003, have been fully considered but they are not persuasive.

9. Applicant traverses the above Koiduka obviousness rejection by asserting that the reference does not teach or suggest the claimed invention as a whole and actually teaches away from said invention (Amendment, page 15, 4<sup>th</sup> section). Specifically, applicant argues that Koiduka does not teach or suggest the claimed limitation of that the second region contain "at least some information related to the image on the first region" (Amendment, page 16-page 17). The examiner agrees that Koiduka does not explicitly teach said limitation. Hence, the rejection is not an anticipation rejection. However, it would have been obvious to one skilled in the art to add an image, such as a logo or "welcome," to the floor mat surface, since it is well known in the art to have such images on floor mats, especially customized mats. Applicant does not refute this point, but argues that the invention is distinguished since the region information must be related to the other region information (Amendment, page 17, lines 4-14).

10. In response, it is argued that said limitation is broad in that it only says there is a relationship between the two regions of information. The claim does not limit the type of relationship. Hence, a floor mat according to Koiduka having a company name plate in one region and "welcome" in another region meets the presently claimed limitation since the information of the two regions are "related" as portraying a greeting from the company.

11. Applicant also argues that Koiduka does not teach a tufted carpet, as is known in the art (Amendment, pages 19-20). In response, it is argued that tufted primary backings are well known in the art. Additionally, said tufted primary backings are known to be cured and/or welded to floor mat backing materials. Thus, it would have been obvious to one skilled in the to modify the Koiduka invention with a tufted pile face rather than the "planting portion" disclosed by the reference. There is nothing on record to suggest to one skilled in the art that a tufted primary backing would not be suited as the pile face of Koiduka. Therefore, applicant's argument is unpersuasive.

***Allowable Subject Matter***

12. Claims 19, 31, 32, 44, and 54-56 stand objected to as being dependent upon a rejected base claim, for the reasons set forth in sections 11-14 of the last Office Action.

13. New claims 57-69 are allowed. New independent claims 57, 61, and 65 contain the limitations of claim 24, 31, and 44, respectively. Since claims 24, 31, and 44 were indicated as containing allowable subject matter in the last Office Action, new claims 57-69 are allowed for the reasons set forth in section 13 of the last Office Action.

14. Claim 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

15. Claims 21-23, and 52 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. Claims 30 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claims 20-23, 52, 30, and 43 contain allowable subject matter since the prior art does not teach or suggest a tufted carpet comprising a tufted substrate having a first region having an image thereon, a second region with little or no tufted fibers, and a textile material mounted on said second region wherein said textile material has information related to the image of the first region.

### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/992,136

Page 6

Art Unit: 1771

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



CHERYL A. BOSKA  
PRIMARY EXAMINER

cj  
December 29, 2003